

Application No. 09/266,202

REMARKS

Claims 1-5, 7-9, 25-30 and 36-40 are pending. To advance prosecution of this case, claims 36-40 are canceled without prejudice, and claim 2 is amended. Specifically, claim 2 is amended to depend from claim 1. Also, claim 7 is amended to correct a grammatical error. No new matter is introduced by the amendments.

All of the pending claims stand rejected. Applicants note that the rejections from the March 13, 2003 Office Action have not been maintained. New grounds of rejection have been presented in the Office Action of October 2, 2003. These new grounds of rejection are addressed below.

Rejections Over Miksits et al.

The Examiner rejected claims 2 and 36-40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,527,519 to Miksits et al. (the Miksits patent). The Examiner asserts that the Miksits patent teaches zinc oxide particles with an average particle diameter of 5 nm to 100 nm. The Examiner further asserts that the "dimension" as claimed is inherent from the teachings of the Miksits patent. Applicants assert that there has been a misunderstanding regarding the teachings of the Miksits patent. Thus, the Mitsits patent does not prima facie anticipate Applicants' claimed invention. Nevertheless, to advance prosecution of this application, Applicants have amended claim 2 to depend from claim 1 and have canceled claims 36-40. Thus, the present rejection is moot. Applicants respectfully request withdrawal of the rejection of claims 2 and 36-40 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,527,519 to Miksits et al. (the Miksits patent).

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Rejections Over Takada et al.

The Examiner rejected claims 1-5, 7-9, 25-30 and 36-40 under 35 U.S.C. § 102(e) over U.S. Patent 6,200,680 to Takada et al. (the Takada patent). The Examiner asserts that the Takada patent teaches all of the aspects of Applicants' claimed invention. However, Applicants assert that there has been a misunderstanding regarding the disclosure of the Takada patent. Furthermore, Applicants have canceled claims 36-40 and amended claim 2 to depend from claim 1, to advance prosecution of this application. Thus, the Takada patent does not prima facie anticipate Applicants' claimed invention. Applicants respectfully request reconsideration of the rejection based on the following comments.

Claims 1, 3-5, 7-9 and 25-30

For support of this rejection, the Examiner pointed to column 25, line 32. However, the particles in the embodiment referenced by the Examiner have an average particle size of 0.1 to 10 microns. This is outside of the average particle size range of Applicants' claimed invention. Thus, the Takada patent does not prima facie anticipate Applicants' claimed invention. Since the Takada patent does not prima facie anticipate claims 1, 3-5, 7-9 and 25-30, these claims are free of the cited art.

Claims 2 and 36-40

To advance prosecution of this application, Applicants have canceled claims 36-40. Claim 2 has been amended to depend from claim 1. The patentability of claim 2, thus, follows from the patentability of claim 1. The rejection of claims 36-40 is presently moot.

In view of the above comments, Applicants respectfully request withdrawal of the rejection of claims 1-5, 7-9, 25-30 and 36-40 under 35 U.S.C. § 102(e) over the Takada patent.

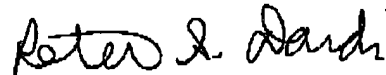
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## CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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